



MEMO ENDORSED

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January 5, 2023

Via ECF Filing

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Hon. Kenneth M. Karas
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
Courtroom 521
300 Quarropas St.
White Plains, NY 10601

**Re: *ProImmune v. Three Aminos, et al., Case No. 7:22-cv-08229-KMK,*
ProImmune v. Three Aminos, et al., Case No. 7:22-cv-08227-KMK
*ProImmune v. Three Aminos, et al., Case No. 7:22-cv-072242-KMK***

Dear Judge Karas:

Pursuant to Section II.A of Your Honor's Individual Rules, we write on behalf of Defendants, Three Aminos and Laura Lile, M.D., with the consent of counsel for Plaintiffs and Counterclaim Defendants, to jointly request adjournment of pre-motion conferences currently scheduled for January 17, 2023, at 12:00 p.m. in connection with Plaintiffs' Motions to Dismiss Defendants' counterclaims in the above-captioned matters, and Plaintiffs' request to remand Case No. 7:22-cv-8229 back to state court. This letter is the Parties' first request for an adjournment of the January 17th pre-motion conferences in these matters.

The reason for this request is to allow the parties to continue settlement discussions. The parties initially conducted a mediation on November 1, 2022, with Simeon Baum as mediator. Although the matter did not resolve at mediation, discussions have continued and the party principals conducted a party only session with Mr. Baum on December 16, 2022, via Zoom. The parties have scheduled another session for January 16, 2023, where the principals will participate in-person with Mr. Baum and the attorneys will participate remotely via Zoom. Because the parties are making headway through these productive meetings, the parties request that the Court continue the pre-motion conference for at least 30 days to allow the parties to continue focusing on their settlement efforts.

Additionally, the parties' proposed case management and scheduling order pursuant to Fed. R. Civ. P. 26(f) is ordinarily due 14 days after the parties have conferred regarding the matters prescribed in the Rule. The parties have met on the case management and scheduling orders and exchanged drafts. They are largely in agreement as to the scheduling order and case management

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documents, but disagree as to whether these matters should be consolidated. Rather than devote the Court's and parties' resources to resolving this issue, in light of the Parties' ongoing settlement discussions, the parties also request that the Court extend the deadline to February 17, 2023, for the parties to submit the proposed case management and scheduling orders pursuant to Fed. R. Civ. P. 26(f). This is the parties' first request for additional time to file their Rule 26(f) report. If in the interim the litigation is resolved or appears close to being resolved, the parties will inform the Court promptly.

Both requests are granted. The pre-motion conference will be adjourned until after the submission of the Rule 26 report, which may be filed by 2/17/23.

Respectfully submitted,

Frank Spano |s|

Frank Spano

So Ordered.

A handwritten signature in black ink, appearing to read "Frank Spano", written over a horizontal line.

1/5/23

cc: All counsel via ECF